

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BRANDON LESTER

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vs.

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CIVIL ACTION NO.
7:15-CV-665

SMC TRANSPORT, LLC AND ISRAEL
MARTINEZ, JR. AND SALINAS
EXPRESS, LLC

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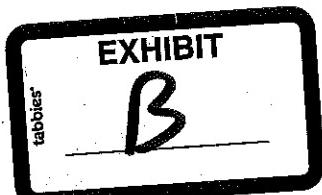
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ORAL AND VIDEOTAPED DEPOSITION
RUDY SALINAS
April 19, 2016

ORAL AND VIDEOTAPED DEPOSITION OF RUDY SALINAS, produced as a witness at the instance of the Plaintiff and duly sworn, was taken in the above-styled and numbered cause on April 19, 2016, from 12:58 a.m. to 4:05 p.m., before Annette E. Escobar, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of La Posada Hotel, La Posada Hotel, 1000 Zaragoza Street Laredo, The Blue Bonnet Conference Room, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.



1 P-R-O-C-E-E-D-I-N-G-S

2 Whereupon,

3 9:23 a.m.

4 THE VIDEOGRAPHER: We're on the record.

5 Today's date is April the 19th of the year 2016. The time
6 is approximately 12:58 at noon, and you may proceed with
7 the deposition, please.

8 RUDY SALINAS,

9 having been first duly sworn, testified as follows:

10 EXAMINATION

11 BY MS. WHITE:

12 Q Hi, Mr. Salinas. My name is Johneal White and I
13 represent a young man named Brandon Lester who was injured
14 in a car accident on October 26th, 2015 and this lawsuit
15 is as a result of that, involving Salinas Express, SMC
16 Transport and Israel Martinez.

17 Can you just state your full name for the
18 record?

19 A Rudy Salinas.

20 Q Mr. Salinas, this deposition today has been
21 noticed under Rule 30(b)(6) of the Federal Rules of Civil
22 Procedure which, do you understand it's to be the
23 deposition of Salinas Express?

24 A Yes, ma'am.

25 Q And have you consented to be the representative

1 Q Are you guys 50-50?

2 A Yes.

3 MR. DUNN: I'm sorry. Would you spell your
4 sister's first name?

5 THE WITNESS: S-Y-L-V-I-A.

6 Q (By Ms. White) Did you have any companies before
7 that?

8 A Yes, ma'am.

9 Q What would that be?

10 A Salinas Trucking.

11 Q Was that a Texas company?

12 A Yeah, just Texas. It was for farming.

13 Q Is that still in existence?

14 A No. It's been more than, like, more than ten
15 years ceased existence.

16 Q Before 2014 were you in the trucking business at
17 all?

18 A Yes, ma'am.

19 Q And when I say you, I mean you personally?

20 A No, I mean I was a driver, that's what I used to
21 do.

22 Q So you did not have any sort of trucking company
23 before 2014?

24 A No.

25 MR. FRANKL: I know you want to get a lot

1 of background information, but that has nothing to do with
2 what you've noticed him under the 30(b)(6). So if you
3 would it relate to the Salinas Express entity, that would
4 be greatly appreciated.

5 MS. WHITE: Okay. I just -- well, just for
6 note: Category one was history of the company and
7 predecessors or related organizations?

8 MR. FRANKL: You didn't ask that. You
9 asked him what he did. You didn't ask if, if there is a
10 corporate structure predecessor to Salinas Express in the
11 trucking business; and that would be an appropriate
12 question. But asking his personal history is outside the
13 30(b)(6).

14 MR. SKAFF: Can we go off the record?

15 MR. DUNN: It's okay with me.

16 MR. FRANKL: Off the record.

17 THE VIDEOGRAPHER: The time is 1:04 in the
18 afternoon and we are off the record.

19 THE VIDEOGRAPHER: We are back on the
20 record. The time is 1:07 in the afternoon and you may
21 continue with the deposition, please.

22 Q (By Ms. White) So you and your sister Sylvia are
23 50-50 owners --

24 A Yes.

25 Q -- of Salinas Express?

1 A Yes, ma'am.

2 Q Did you have any involvement in any trucking
3 companies prior to forming Salinas Express?

4 A Just the one I just told you about, like, more
5 than ten years ago.

6 Q But that was farming?

7 A Yeah, that was farming.

8 Q I'm talking about any trucking companies?

9 A No.

10 Q What -- and Sylvia, does she have any experience
11 with any trucking companies prior to forming Salinas
12 Express?

13 A None. She's always been working as payroll.

14 That's it.

15 Q And is that her role with the company currently?

16 A Yes, ma'am.

17 Q What is your role with the company?

18 A Dispatcher, safety.

19 Q Do you have an official title?

20 A Just manager.

21 Q Does she have a title?

22 A Manager also.

23 Q Do you currently -- does Salinas Express
24 currently have any employees?

25 A We don't have no employees. Just contractors.

1 Q Has Salinas Express ever had any employees?

2 A No.

3 Q What about a young woman named Keesha Guerrero,
4 has she ever worked --

5 A She was helping my sister out with some
6 paperwork, just road taxes. That's about it. She doesn't
7 work for us.

8 Q Do you know when that was that she helped your
9 sister out?

10 A Every quarterly.

11 MR. DUNN: I'm sorry. What was the
12 question, I didn't hear it? We got this noise in the
13 background.

14 MS. WHITE: I believe the answer was --

15 MR. DUNN: No, what was the question?

16 MS. WHITE: The answer was, has Keesha
17 Guerrero ever been an employee to Salinas Express?

18 MR. DUNN: Answer was no?

19 THE WITNESS: No.

20 MS. WHITE: Correct.

21 MR. FRANKL: I think the question was then
22 she helps out with the paperwork and how often and he said
23 quarterly.

24 MS. WHITE: Yes.

25 Q (By Ms. White) Does Salinas Express give all of

1 Deposition Exhibit Number 9.)

2 Q Take a look at Exhibit 9.

3 A Yes.

4 Q And is that the load that Roy was hauling back
5 to Laredo?

6 A Yes, ma'am.

7 Q And so he picked it up on October 20th?

8 A Yes, ma'am.

9 Q And then he started heading back to Texas going
10 through Virginia?

11 A Yes, ma'am.

12 Q When did you learn that he had been having
13 problems with tractor 110?

14 A I don't know the exact date, but he called me
15 that he had broken down.

16 Q And do you know where he was when he called you?

17 A Virginia, that's all I knew at the time.

18 Q Do you know if Eddie was with him at the time or
19 not?

20 A He was behind him, I don't know if following
21 close by or couple of miles back. I don't know. I know
22 if he picked him up on the way down.

23 Q Do you know, had he already left his truck at
24 the rest area when he called you?

25 A I don't know. I don't remember.

1 Q And did he call you on your cell phone?

2 A Yes.

3 Q Where were you at the time?

4 A I was out of town.

5 Q Where were you?

6 A Corpus Christi.

7 Q What was the phone number that he called you on?

8 A My phone number?

9 Q Yes?

10 A 956-269-1420.

11 Q 269-1420, and is that AT&T?

12 A Yes, ma'am.

13 Q So he calls you and says he's broken down, and
14 did you guys talk about what to do next?

15 MR. FRANKL: Objection to the form.

16 Q (By Ms. White) Did he call you and tell you he
17 had been broken down?

18 A Yes.

19 Q Did you guys discuss what to do next?

20 A No, ma'am.

21 Q Did you have any other discussion besides him
22 informing you that he'd broken down?

23 A No.

24 Q Did you ask him what he was planning to do?

25 A No.

1 Q Were you concerned -- well, he was hauling a
2 load back to Laredo.

3 A Yeah.

4 Q Did you ask him what he was going to do to about
5 the load?

6 A I told him that I was going to send my driver to
7 go pick up the load.

8 Q And who was your driver?

9 A Eddie.

10 Q Did you understand at the time that Eddie was
11 also headed back to Texas?

12 A Yes.

13 Q So your plan was for Eddie to go back to Texas
14 and then go back to Virginia?

15 A Yes, that's why he picked up Roy to help him
16 drive down to Texas.

17 Q And did you guys discuss any plan for what to do
18 with the broken down tractor?

19 A No, ma'am. That was his call, it was his truck.

20 Q Do you know -- so they're driving back to Texas
21 in Eddie's truck?

22 A Yes.

23 Q And did they deliver the load?

24 A Yes.

25 Q Do you know where they delivered that to?

1 A I think it was the same load as this one going
2 to Laredo.

3 Q Do you know where in Laredo?

4 A Not off the top of my head.

5 Q Did -- was it just one phone call that you had
6 with him on his way back to Virginia?

7 A Yes, ma'am.

8 Q When was the next time you spoke to him?

9 A I spoke with him on the way down coming to
10 Texas, not going to Virginia.

11 Q Yeah. Just one time?

12 A Yes.

13 Q When was the next time you talked to him?

14 A Like two -- two, three days after the accident.

15 Q So you didn't talk to him at all for two or
16 three days after he told you that his truck was broken
17 down?

18 A No. I was on vacation. I told him I didn't
19 want to be bothered.

20 Q Do you know what Roy's cell phone number is?

21 A Not off the top of my head.

22 Q Do you have that recorded somewhere?

23 A My phone.

24 Q Do you have your phone with you?

25 A Yes.

1 while back.

2 Q How long ago?

3 A I don't know the exact day, it's like a few
4 months.

5 Q Two months ago?

6 A Like, it's been several months, he lives in
7 Houston so I really don't see him.

8 Q Right. Do you know Israel's wife, Lily
9 Martinez?

10 A I seen her probably like two, three times at the
11 yard.

12 Q Okay. But you don't know her from around
13 Zapata?

14 A No, sir.

15 Q Do you know where she works?

16 A No, sir. I don't know if she works or not.

17 Q Excuse me. Does Salinas, the company, have a
18 phone account?

19 A No, sir.

20 Q Has the company ever filled out any records for
21 the Texas DMV where it listed a phone number or phone
22 account?

23 A My phone number, my cell phone.

24 Q Okay. That was my question. So any documents
25 that have been filed with the Texas DMV would identify

1 your phone number?

2 A Yes, sir.

3 Q Your personal cell phone?

4 A Yes, sir.

5 Q And the company's position is that that's the
6 company's number?

7 A Yes, sir.

8 Q Okay. And as we sit here today, the company
9 doesn't have any paperwork authored by Mr. Martinez other
10 than his application?

11 A Yes, sir.

12 Q And it's the company's position that the reason
13 it has absolutely no paperwork about his activities
14 driving a truck for Salinas is all Mr. Martinez's fault?

15 A Can you repeat the question?

16 Q Yeah. The company's position is the reason it
17 has no paperwork written by Mr. Martinez for his work as a
18 truck driver is because Mr. Martinez did something wrong?

19 A Yes, sir.

20 Q Okay.

21 MR. HEARN: All right, that's all the
22 questions I have right now.

23 EXAMINATION

24 BY MR. DUNN:

25 Q The trip to Virginia in October 26, 2015 where

1 Roy, Eddie, Art and Israel Martinez Jr. went to pick up
2 the disabled Salinas Express vehicle, that wasn't for SMC
3 Transport, was it?

4 A No, sir.

5 Q No one from SMC Transport went on that trip,
6 correct?

7 A No, sir.

8 Q You agree with me?

9 A Not that I'm aware of. I mean, no.

10 Q Right.

11 In fact, no one from SMC Transport was
12 telling Roy, Eddie, Art or Israel Martinez Jr. any
13 instructions or telling them what to do in that trip,
14 correct?

15 A No, sir.

16 Q You agree with me?

17 A Yes, sir.

18 MR. DUNN: Thank you.

19 REEXAMINATION

20 BY MS. WHITE:

21 Q Did you ever give Israel Martinez's pay to his
22 wife Lily?

23 A Maybe once I gave her cash for his work.

24 Q Do you know if Sylvia ever gave her Israel's
25 pay?

1 A I usually would pay him, it was usually me
2 paying him.

3 MR. FRANKL: Say that again?

4 THE WITNESS: It was just me paying him.

5 MS. WHITE: That's all.

6 MR. FRANKL: He'll read.

7 THE VIDEOGRAPHER: The time is 4:05 in the
8 afternoon, and we're off the record.

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10 (Signature having been requested, the
11 deposition was concluded at 4:05 p.m.)

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